

Notice of Allowability

Application No.

10/635,784

Examiner

Richard M. Lorence

Applicant(s)

FUSEGI ET AL.

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 22 March 2005.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☒ The drawings filed on 22 March 2005 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the penultimate line of claim 15 "dicrection" has been changed to --direction--.

REASONS FOR ALLOWANCE

The terminal disclaimer filed on March 22, 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond expiration date of any patent granted on pending reference Application Number 10/396,607 has been reviewed and is accepted. The terminal disclaimer has been recorded. Accordingly the provisional obviousness-type double patenting rejection of claims 1-16 based upon the copending application 10/396,607 has been overcome.

In view of the papers filed on May 6, 2005, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by deleting the names of Toshio Shiba and Katsumi Tanaka.

Office records have been corrected to reflect the inventorship as corrected, and a corrected filing receipt will be issued.

The declaration under 37 CFR 1.132 filed on March 22, 2005, taken together with the request for correction of inventorship filed on May 6, 2005 is sufficient to overcome the provisional rejection under 35 USC 102(e) of claims 1-16 based upon the copending application 10/396,607.

Claims 1-16 are allowed.

The following is an examiner's statement of reasons for allowance:

None of the prior art of record shows or suggests an actuator for engagement and disengagement operation of a power transmission device including the first, second and third plates, the drive unit, the cam mechanism and the retaining device arranged together in the manner set forth in claim 1, specifically wherein the first plate is fixed; the second plate is movable in a direction of the engagement and disengagement operation so as to be engaged with the first plate; the third plate is disposed opposite to the second plate with respect to the first plate and rotatably engaged with the second plate; the drive unit is engageable with the third plate so as to rotate the third plate; the cam mechanism converts rotation of the third plate to a movement of the second plate in the direction of the engagement and disengagement operation; the retaining device retains an engagement of the third plate with the drive unit; and the second plate drives the power transmission device in the direction of the engagement and disengagement operation.


Nor does the prior art of record show or suggest an intermissive power transmission device including the pair of power transmission members, the clutch, the first, second and third plates, the drive unit, the cam mechanism and the retaining device arranged together in the manner set forth in claim 15, specifically wherein the first plate is fixed; the second plate is movable in a direction of the engagement and disengagement operation so as to be engaged with the first plate; the third plate is disposed opposite to the second plate with respect to the first plate and rotatably engaged with the second plate; the drive unit is engageable with the third plate so as to rotate the third plate; the cam mechanism converts rotation of the third plate to a movement of the second plate in the direction of the engagement and disengagement operation; the retaining device retains an engagement of the third plate with the drive unit; and the second plate drives the power transmission device in the direction of the engagement and disengagement operation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard M. Lorence whose telephone number is (571) 272-7094. The examiner can normally be reached on Mondays through Fridays from 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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Lorence/rml



1/21

FIG. 1

